

SUPREME COURT OF INDIA

Punjab Urban Planning and Development Authority

Vs.

Tavinder K. Ahluwalia

S.L.P. (Civil) No. 17146 of 2003

(S. N. Variava and H. K. Sema JJ.)

06.01.2004

ORDER

1. Leave granted.

2. Heard parties.

3. In this matter, we find that the State Consumer Disputes Redressal Commission has refused to condone a delay of only 26 days in filing an Appeal. The National Consumer Disputes Redressal Commission has refused to interfere and dismissed the Revision inspite of the fact that an order of this Court dated 26th July, 1996 in Civil Appeal No. 9764 of 1996 was shown to the National Commission. By this order a delay of 40 days had been condoned and it was held a delay of 40 days cannot be considered to be gross. Surprisingly it is held that Judgment has no application whereas that Judgment clearly covers the point involved. The National Commission is bound by a Judgment of this Court. We, therefore, set aside the orders of the National Commission and the State Commission and restore the Appeal to the file of the State Commission who shall decide the matter on merits. The delay of 26 days stands condoned.

4. The Civil Appeal stands disposed of accordingly.

There will be no order as to costs.